

1 may. To make it completely legal, to allow them a three day  
2 cancellation clause, and everything, so there has been, since  
3 I have been there, three to four different types of forms. So  
4 these may not be the only two, but are the most used two, yes,  
5 ma'am.

6 Q But they always filled up, out some form?

7 A There would be, we would need some, something, yes,  
8 ma'am.

9 Q Now how long would you, what, what was Capitol's  
10 business practice with respect to how long these forms would  
11 be retained in your records?

12 A I don't know if, and I don't think it's a set, per  
13 se, standard policy. And, and please bear with me, if you  
14 will, and I, I'm like Mr. Moyer, I want to go home, too, but I  
15 think it needs to be explained. We handle a very large amount  
16 of customers, which in our business, at least for Capitol, and  
17 I'm speaking of our company, is very paper-oriented. On one  
18 customer, you may have three, four, five pieces of paperwork,  
19 which I supplied to you all under some of your discoveries.  
20 So you see how cumbersome one file folder may be. Once that  
21 customer cancels, and, and we don't put it on microfilm and so  
22 forth, it's almost impossible to keep every piece of paper.  
23 And if you're not my customer anymore, why do I need to know  
24 what you used to have, okay? Why do I need to know that you  
25 rented a pager and returned it. I mean I wouldn't, we would

1 need, then need to possibly rent, you know, a floor somewhere  
2 else just for file cabinets. We, we go through so much paper,  
3 because please understand, you're looking at this paging only,  
4 we also operate one of the largest answering services in the  
5 state. We also operate other entities in the communications  
6 industry. We are communications-oriented, so the amount of  
7 paperwork going through there with, with faxes and mail drops  
8 and communica -- it's, it's just, it's absolutely impossible  
9 for us to maintain every piece, forever. So about the set  
10 policy, it, the purpose, if, and maybe I'm wrong, if they  
11 cancel, I couldn't care, you can throw their paperwork away  
12 now, I don't want it, it's no, not a, it's not important to  
13 me.

14 Q Would you turn to page one of Private Radio Bureau  
15 Exhibit 11?

16 A Yes, ma'am.

17 Q Can you tell me whether you recognize that document?

18 A Oh, the contents of the, okay. I'll have to, if  
19 you'll bear with me, I'll have to read it. I don't recognize  
20 the document. I do recognize the contents of the document.  
21 Our attorney may have got it and, and told me what to, to  
22 turn, I, I do recognize most of the contents.

23 Q Would you turn to page six?

24 A Yes, ma'am.

25 Q Is that your signature on page six?

1           A     Yes, ma'am, it is.

2           Q     So now if you look above your signature, it states  
3 that you're making this declaration under penalty of perjury,  
4 is that not correct?

5           A     That is correct.

6           Q     And that you executed it on June 17, 1992, is that  
7 correct?

8           A     Yes, ma'am.

9           Q     And this was a letter written to the Commission, was  
10 it not?

11          A     If I may go back and see what it's about, I'll be  
12 glad to answer that.

13          Q     Um-hum.

14          A     It was to the attention of the compliance branch,  
15 yes, ma'am.

16          Q     Now if you look at paragraph two of that letter.

17          A     I'm sorry, paragraph two?

18          Q     Yes. There, there's a numbered paragraph within the  
19 letter --

20          A     Oh, yes, ma'am.

21          Q     -- it begins --

22          A     Yes, ma'am.

23          Q     -- on page one.

24          A     Yes, ma'am. Yes, ma'am.

25          Q     And if you look at paragraph three, which follows it

1 immediately?

2 A Yes, sir.

3 Q Now --

4 A Yes, ma'am, I'm sorry.

5 Q -- the list of, of customers that appears in  
6 paragraph two.

7 A Yes, ma'am.

8 Q That is, is it not, a list of the customers that  
9 Capitol, of the first ten customers that Capitol Paging had,  
10 is that correct?

11 A I would say so, that's what it says, yes, ma'am.

12 Q And paragraph three is a list of the customers that  
13 Capitol Paging had on August 12th, 1991, is that correct?

14 A -- customer. It says the service of current  
15 customers are today is that were on line with our private  
16 carrier system at that time, depending on what time that he's  
17 referring to.

18 Q Okay. And the time in the beginning of paragraph  
19 three is during the period of August 12th, 1991, isn't it?

20 A Yes, ma'am. I say, yes, ma'am.

21 Q Now how did you compile these lists of customers?

22 A Very difficult and very cumbersome and very time  
23 consuming. Very much time consuming. I think you all's  
24 requested this approximately four or five times since the  
25 beginning of this, and we have tried to our best of our

1 knowledge, to the best of everything that we could do, to  
2 provide you with what we have at that time. We, at one time  
3 during this, and you have to realize we have four-drawer file  
4 cabinets and I believe there is five or six standing right by  
5 side by side. We had to physically go through every file  
6 folder to pull these things out for you all.

7 Q And what, what things did you pull out? Did you  
8 pull out --

9 A The service agreements that you all would request or  
10 any information that we would have, any information that we  
11 had in that file, I copied and sent to you. This was about a,  
12 it was a long project and very time consuming, but you asked  
13 for it and we gave it to you.

14 Q Okay. Would you turn to Private Radio Bureau  
15 Exhibit 5, please?

16 A Yes, ma'am.

17 Q I don't know whether you testified about page one --

18 A No.

19 Q -- but had you, but do you recognize page one?

20 A My recollection is that Mr. Harrison said it looks  
21 like his secretary's writing, and I, I don't know his  
22 secretary's writing.

23 Q Did you cause this document to be produced?

24 A I do not remember asking for this document to be  
25 produced, no, I do not.

1 Q Now I know you've testified about pages two and  
2 three.

3 A That is correct.

4 Q Have you ever seen these before?

5 A These?

6 Q Yes, these forms.

7 A Since I have been here, yes, ma'am.

8 Q Do you remember when the first time was that you saw  
9 them?

10 A Oh, no, no. No, I don't.

11 JUDGE CHACHKIN: Well, when you say you saw it, then  
12 you're talking about the recent six, six months or were you  
13 talking --

14 MR. RAYMOND: Oh, yes, probably in the past two  
15 months, possibly. I do not remember, and, and I, I think I  
16 know the question you're asking me and maybe I'm wrong, did I  
17 give these to the inspector, no. Because that question has  
18 been asked of me. Do I recognize it as being a format of our  
19 computer system, no, I do not. And my recollection says, and  
20 I'll stand behind what I said, this could have been hand-typed  
21 on a typewriter or word processor because they kind of like  
22 tried to make it a little fancy with these equal signs and the  
23 asterisks and so forth. I do not know who would have produced  
24 this or how they would have gone about producing it, as a  
25 matter of fact, because it was not done at my direction. I, I

1 just, I don't believe the inspectors even asked me for this.  
2 I believe they may have asked Mr. Wilson, and maybe that'll  
3 jog their memory, because that was what he did, he was the  
4 computer operator and the paging, as I've told you, he put the  
5 programming. So if this was done, I'm going, and this is an  
6 assumption, please, that Mr. Wilson would have provided this  
7 for, for you all, or for the inspectors.

8 MS. LADEN: Do you know whether Mr. Wilson provided  
9 those for --

10 MR. RAYMOND: No, I do not know. I said it was an  
11 assumption.

12 MS. LADEN: Your Honor, I'd like to show the witness  
13 something. I'll show it to Mr., I only have one copy, that is  
14 it's an original.

15 JUDGE CHACHKIN: Go ahead.

16 MR. HARDMAN: Is this the original of the --

17 MS. LADEN: It --

18 MR. HARDMAN: -- pages two and three?

19 MS. LADEN: It appears to be the original of pages  
20 two and three, yes.

21 MR. HARDMAN: Okay. Okay.

22 BY MS. LADEN:

23 Q Mr. Raymond, what I have just shown you there, have  
24 you ever seen that --

25 A No, ma'am, I have not. Not to my knowledge, I have

1 not.

2 Q Do you recognize that kind of paper?

3 A Yes. I mean we have some of this type of paper,  
4 absolutely.

5 Q You do?

6 A Yes, ma'am. Green and white thing, we have white  
7 stuff, the same white, yes, ma'am. Excuse me.

8 Q So that piece of paper could have come from your  
9 office?

10 A Well, I don't see why it couldn't, no, ma'am. I  
11 don't see why it couldn't. And I have no, and please, please,  
12 I, I'm not being argumentative. I have no reason to doubt,  
13 if, if the inspectors say they got it from our office, I am  
14 not saying they did not by any means.

15 Q Now would you look at that document that I just  
16 handed you and look at Private Radio Bureau Exhibit 5, pages  
17 two and three?

18 A Oh, okay, that's where you had me before. Yes,  
19 ma'am.

20 Q Right. Would you agree that what you're holding  
21 there appears to be the original of Private Radio Bureau  
22 Exhibit 5, pages two and three?

23 A Well, I, I'll say that pages two and three are  
24 copies of this one.

25 Q They are reduced copies, are they not?



1           A     I would think so, yes, ma'am.

2           Q     Thank you.

3           MR. HARDMAN:   There you go.

4           BY MS. LADEN:

5           Q     Now, Mr. Raymond, if you would look, let's start

6 with page two.  If you notice, it, this says August 16, 1991.

7           A     Yes, ma'am.

8           Q     And it has a list of persons, your name is at the

9 top, it says test Mike Raymond, does it not?

10          A     Yes, ma'am.

11          Q     Now what does this list appear to be to you?

12          A     It appears to me to be, and it, and it does say

13 Private Carrier at the top, it seems to me that there are

14 phone numbers with names, corresponding address, city, state,

15 and zip code, if available, and then it says contact with some

16 other phone number underneath it.

17          Q     Now does this not appear to be a list of pagers?

18          A     It seems to be, it would appear to be a list of

19 phone numbers that could relate to pagers.  I, I would have no

20 reason to say they do not, absolutely.  I, I believe they do.

21 Those look like our paging blocks of numbers, yes, ma'am.

22          Q     Now the first one says test Mike Raymond --

23          A     Yes, ma'am.

24          Q     -- and the last one says test Mike Raymond.

25          A     That, that's true.

1 Q So presumably those, that's a pager that you had,  
2 that listing?

3 A I would, I would assume so, or one that I may have  
4 signed out as a test and given to someone else, yes, that,  
5 that's quite a way I do things if, if I want someone to have a  
6 pager. We do try to keep some sort of inventory.

7 Q Now if you would turn to page three, you would see  
8 that it's a similar --

9 A Yes, ma'am.

10 Q -- type of list. That one is for Huntington, West  
11 Virginia, is that right?

12 A Yes, ma'am. I see that.

13 Q Now if you look at the fourth entry from the bottom.

14 A Yes, ma'am.

15 Q You see that name, John Rowe?

16 A Yes, ma'am.

17 Q Do you know who John Rowe is? Do you know what --

18 A I, I have never met Mr. Rowe. I wouldn't know him if  
19 he walked in here. I have heard that he is into electronics,  
20 likes pagers. I've also heard testify and, and, well, I, I  
21 know for a fact because he signed a letter commending Capitol  
22 for supplying pagers during '91 for -- during an emergency  
23 storm, that no one else would supply them pagers, and he  
24 signed it as communication offer of Greenup County Rescue  
25 Squad.

1 Q Greenup County Rescue Squad, is that --

2 A Yes, ma'am. That, that, now that, and other than  
3 that, to the extent, I do not know.

4 Q Okay. Now if you could turn to Private Radio Bureau  
5 Exhibit Number 11, page 3. I believe you just testified that  
6 those two listings there were customers of Capitol's during  
7 that approximate period of time, is that correct?

8 A I, I, I don't think I understood the question as  
9 that. I believe you asked me what these were, and I don't  
10 think I used the word customers. I said it would assume that  
11 these were pager numbers.

12 Q No, I'm sorry, I'm, I'm not asking you about Private  
13 Radio Bureau Exhibit 5, I'm asking you about your declaration.

14 A Oh, what I said --

15 Q And --

16 A -- were customers at that time?

17 Q That's right.

18 A Yes, ma'am.

19 Q So you're, that statement is that at that time, the  
20 customers were Mark Carter and J.J. Smith cleaning and  
21 contracting, is that correct?

22 A That is the information that, that we require.

23 Q Now if you look at the Private Radio Bureau  
24 Exhibit 5, at page 3 --

25 A Yes, ma'am.

1 Q -- the sixth entry from the top, it says Pioneer  
2 Home Improvement, doesn't it?

3 A Yes, ma'am.

4 Q Now the list of customers that you provided to the  
5 FCC does not have Pioneer Home Improvement, does it?

6 A That I do not have Pioneer Home Improvement?

7 Q Is there any --

8 MR. HARDMAN: May I ask for a clarification. Which  
9 list are you talking about in, in PRB 11, there, there are two  
10 or three lists.

11 MS. LADEN: Yes, the list is on page three,  
12 corresponding to paragraph two.

13 MR. HARDMAN: Page, well, I see a Pioneer Home  
14 Improvement on page two. Is that the list you are talking  
15 about?

16 MS. LADEN: No. I am talking about the page on, the  
17 list on page three.

18 MR. HARDMAN: Oh, Okay. Thank you.

19 MS. LADEN: Now do you see on that list on page  
20 three, do you see West End Cabinets?

21 MR. RAYMOND: Oh. No, I do not, ma'am.

22 MR. JOYCE: He's, a different exhibit.

23 MR. RAYMOND: Oh.

24 MR. JOYCE: Exhibit 5, please, sir.

25 MR. RAYMOND: West End Custom Cabinets, yes, ma'am,

1 I've got that here.

2 BY MS. LADEN:

3 Q Right. Now do you see West End Custom Cabinets on  
4 page three of Capitol, of Private Radio Bureau Exhibit 11?

5 A No, I do not.

6 Q Now do you have any, if, if Capitol provided this  
7 list to the FCC engineers, do you know whether Capitol  
8 provided this list to the FCC engineers in response to a  
9 request for a list of subscribers?

10 A We're talking about Exhibit 5, am I correct?

11 Q Exhibit 5, that's correct.

12 A Well, I think I've testified that, no, I am not  
13 aware that they did. I have no reason to doubt that they  
14 didn't. Because I did not give it to them, I did not know  
15 about it. So did I, I mean, I am trying to be real careful in  
16 answering my answer, I don't want one to come off misleading  
17 or call these gentleman liars. Did I? I would have to answer  
18 no, the way you phrase your question. Do I have any reason to  
19 doubt that someone from our company did not supply them, and I  
20 will answer, no, I have no reason to doubt that.

21 Q No. In your declaration, which is at Private Radio  
22 Bureau Exhibit 11 --

23 A Yes, ma'am.

24 Q -- you do not list, at least those two customers are  
25 not listed as having been on the service about that time. Do,

1 do you have any explanation for that omission?

2 A Well, sure. I mean I think you can probably explain  
3 anything away. I mean but I'm not going to try to be  
4 facetious or, or run around the question, but I'll tell you  
5 what, in reality, when we got your Exhibit 11, I, I'm sure  
6 that we were given weeks or something to supply an answer  
7 back. Am I correct? I mean do we get time to do this?

8 Q Yes, I, I believe so.

9 A Okay. To prepare a list overnight, and I'm, and I  
10 think that, I believe the inspectors came to visit us on the  
11 15th, I mean that's the day you all came, I believe, and after  
12 running around with them, and I think we quit about six or  
13 seven o'clock tonight, or that night, and when they asked  
14 someone to do this, that's one thing. And to prepare a list  
15 in a matter of hours and guarantee you its accuracy, I don't  
16 believe I would do that. Now if I'm given weeks to prepare  
17 something, I would say there's more of a chance of it being  
18 accurate. Yes, but the one I provided to you on Exhibit 11  
19 was the most accurate that I could give you. I'm not saying  
20 there couldn't have even been more customers, but I was not  
21 able to find them, ma'am. I was not able to validate it with  
22 contracts, and so on and so forth. These, these people could  
23 have maybe cancelled. As I said, we don't always keep all the  
24 paperwork. I don't know.

25 Q Okay. If you look at Private Radio Bureau

1 Exhibit 5, at page 2.

2 A Yes, ma'am.

3 Q Would you agree that Malcolm Koons is not listed on  
4 your declaration at page three?

5 A I, I see an asterisk besides Malcolm Koons, it says  
6 cancel or return pager because of system problems.

7 Q You're absolutely correct, Mr. Raymond. I  
8 apologize.

9 A Because I think in your Exhibit 11, I think, and as  
10 a matter of fact, I believe, because it was just funny because  
11 you asked me about that, that was the type of form, if I'm  
12 correct?

13 Q Um-hum.

14 A And I asked you to go to such a page to show you  
15 where I called it a short form.

16 Q Yes, I remember doing that.

17 A And that was where he had cancelled because he  
18 couldn't get his pages and --

19 Q But --

20 A -- I think he said when he did, and he signed that,  
21 that other people's pages covered his up, and he signed it  
22 there at the bottom.

23 Q Yes, I remember that.

24 A Thank you.

25 Q Now if you look at that list, then you'll see the

1 first entry is a test pagers, the second entry is a loaner --

2 A Um-hum.

3 Q -- the third entry shows cancelled or returned, the  
4 fourth entry is inventory, the fifth entry was changed to  
5 152.15. Now is 152.15 your RCC?

6 A I could assume that meant 152.510, but I, we do not  
7 have that frequency.

8 Q And the next entry is inventory.

9 A Um-hum.

10 Q The next entry Kathy L. Smith is cancelled or  
11 returned; the next entry, Ernie White, is cancelled or  
12 returned; and then it says monitor, Bobby. Do you know what  
13 that is? Who Bobby is?

14 A If you want an assumption, I would assume that might  
15 have been Bob Wilson who would maybe have a pager there to, to  
16 monitor, if I called him and said we're having a problem or is  
17 this going out. That's a possibility. I, I'm not sure. His  
18 name may have been Bobby Monitor, I don't, I don't know.

19 Q And the next entry is unknown, it says unknown; and  
20 the next one says test Billy McCallister. Is that one  
21 correct?

22 A That's correct.

23 Q And the next one indicates cancelled or returned.  
24 And the last one is the pager that you have for testing --

25 A Yes, ma'am.



1 Q So this list does not seem to have any customers,  
2 does it? Any paying customers?

3 A I, I think that, that someone did some math on it  
4 and, I don't know, because one thing, I do not know what  
5 Capitol Paging loaner means, all right. And I think I had  
6 explained earlier, when someone comes in, the terminology in  
7 the industry is if your pager is broke, we will loan you one.

8 Q Um-hum.

9 A So he may have owned a pager on one, on, on the  
10 private carrier frequency, it was in repair and we loaned him  
11 one. But, you know, I, I'm not going to argue the point at,  
12 with you. The most that they, I can't come to is one customer  
13 in the Charleston area, from this list that was prepared.

14 Q Okay. Now if you look at page three, the first two  
15 entries are test, correct?

16 A Yes, ma'am.

17 Q The next two entries are inventory, correct?

18 A Yes, ma'am.

19 Q And then there's another test, correct?

20 A Yes, ma'am.

21 Q And I just asked you about Pioneer Home Improvement.  
22 You indicated it was not on the list at Private Radio Bureau  
23 Exhibit 11, page 3.

24 A That is correct, ma'am.

25 Q And the next entry is test. The next two entries,

1 Rotary Garden Apartments, indicate cancelled or returned.

2 A Yes, ma'am.

3 Q And the next entry is REMC, is that correct?

4 A That is correct.

5 Q Now do you see REMC on your list at page three of  
6 Private Radio Bureau Exhibit 11?

7 A I don't believe I remember it, but, no, ma'am, I  
8 don't see it.

9 Q Do you know what that is, what those letters stand  
10 for?

11 A No, I have no idea.

12 JUDGE CHACHKIN: Why didn't the Bureau call  
13 Mr. Wilson if he was the one who prepared it or --

14 MS. LADEN: Your Honor, we didn't know who had given  
15 this list to the engineers.

16 JUDGE CHACHKIN: Did you ask in your discovery for  
17 the name of the person who had prepared this list for, on  
18 behalf of Capitol?

19 MS. LADEN: No, we did not.

20 JUDGE CHACHKIN: Well --

21 MR. JOYCE: I, I thought Mr. Hardman objected to his  
22 production because he's in the hospital, or something of that  
23 sort.

24 MS. LADEN: Yes. We did ask that he be brought in.

25 JUDGE CHACHKIN: His derogatories, you asked for the

1 name of the person who prepared the list?

2 MS. LADEN: No. No, we did not. But I think what  
3 Mr. Joyce is referring to is that we asked for Mr. Wilson to  
4 be produced for testimony.

5 MR. HARDMAN: No, for cross-examination, Your Honor.

6 JUDGE CHACHKIN: All right.

7 MR. HARDMAN: That is the same thing as Mr. Stone.  
8 They didn't put him on their witness list and but noticed him  
9 for cross-examination, when we had not listed him on our  
10 witness list.

11 JUDGE CHACHKIN: Again, the Bureau has the burden of  
12 proceeding. How did you expect to prove that this list was  
13 somehow prepared improperly unless the person who prepared the  
14 list testified? And Mr. Raymond apparently knows nothing  
15 about this list. He can only tell you about his list that he  
16 prepared. He doesn't know nothing about this list.

17 MS. LADEN: Well, Your Honor, that's why we wanted  
18 to ask, that's one of the questions we wanted to ask Mr. Stone  
19 and Mr. Wilson.

20 JUDGE CHACHKIN: Mr. Stone didn't prepare this list,  
21 apparently. Apparently, it was Mr. Wilson who prepared this  
22 list. At least that's what I'm, I understand from the  
23 individuals who were there. Now I don't know if the inspector  
24 spoke to Mr. Wilson or, or what, I don't know.

25 MR. HARDMAN: Your Honor, if, if it, if it helps,

1 for the sake of the record, Mr. Raymond does speak to this  
2 issue of the different lists in his direct testimony.

3 JUDGE CHACHKIN: He does?

4 MR. HARDMAN: Yes.

5 JUDGE CHACHKIN: Where?

6 MR. HARDMAN: That's under the, toward the end.

7 JUDGE CHACHKIN: What page?

8 (Asides.)

9 MR. HARDMAN: Starting on 24, bottom of 24, down  
10 through 26, 27, that deals with the, his testimony there deals  
11 with the issue of the different lists and that were requested  
12 from time to time and different results that may have been  
13 reflected on it. It was not done with knowledge of, of these  
14 particular documents, but that was, that issue was in the --  
15 designation order and, therefore, he responded to it in his  
16 direct testimony.

17 (Asides.)

18 JUDGE CHACHKIN: -- cross-examine the guy. Well,  
19 there is some explanation -- as to your, you say inconsis-  
20 tency. There is some explanation there as to Pioneer Home  
21 Improvement, and some speculation as to REMC. But all I'm  
22 saying with respect to this particular list, Mr. Raymond did  
23 not prepare it. His testimony attempts to explain these  
24 inconsistencies, these alleged inconsistencies, but it seems  
25 to me if you want to inquire about this specific list,

1 Mr. Raymond's not the man, he didn't produce the list, he  
2 didn't prepare the list. But you do have an explanation of  
3 the corporation as to why they, a possible explanation.

4 MR. HARDMAN: For, for clarification, Your Honor, I  
5 believe the, the references to Pioneer Home Improvement and  
6 REMC on page 26 refer to the first list in the, in Exhibit 11,  
7 which would be in the 308B inquiry, one of the, one of the  
8 questions was the list of first ten, your first ten customers,  
9 that's why he was confused a few minutes ago as to which list  
10 counsel was referring to.

11 JUDGE CHACHKIN: That's right. Now what is the  
12 correlation between the first page and the next two pages, if  
13 they were given at the same time, where, where does the  
14 correlation appear? If they're not included in the second or  
15 third page, or the, the distinction between the information on  
16 the first page and the second or third page, what is one to  
17 make of it?

18 MS. LADEN: Your Honor, are you talking about  
19 Private Radio Bureau Exhibit 11?

20 JUDGE CHACHKIN: Yes.

21 MS. LADEN: The lists are --

22 JUDGE CHACHKIN: No, no. I'm talking about Private  
23 Radio Bureau Exhibit 5, page 1. Which is not the same as  
24 pages two and three.

25 MS. LADEN: That's correct.

1 JUDGE CHACHKIN: But what does that mean? Does that  
2 mean that this, was two and three meant to be all inclusive,  
3 or does page one also part of the list, or was it part of  
4 pages two and three, or, or what is it?

5 (Asides.)

6 MR. HARDMAN: Your Honor, the, the, the testimony,  
7 as I recall, was that these documents were supplied by someone  
8 at Capitol, that's according to the FCC inspectors and we have  
9 no reason to doubt that, that they asked for and were supplied  
10 these documents at the time of the inspection, either that day  
11 or the following day. Now it's not totally clear exactly who  
12 did it, although there was, I think Mr. Harrison testified  
13 that he recognized his secretary's handwriting on page one, so  
14 that was evidently handwritten out by her, and then we've had  
15 testimony about the character of pages two and three. But I  
16 mean Capitol is not disputing that these documents were  
17 prepared at the request of the FCC inspectors, but how much  
18 that fact alone, what you can make of that in comparison to  
19 the issues in the hearing, that's another matter.

20 JUDGE CHACHKIN: Well, that's what I'm saying. I,  
21 I, I'm, if the Bureau felt that it was important to note their  
22 inconsistency, if something had to be explained for pages two  
23 and three, Mr. Raymond is not the person who could provide  
24 that explanation. Apparently, the first page is the first ten  
25 customers of Capitol --

1           MR. HARDMAN: I, I believe we must be on different  
2 documents, Your Honor.

3           JUDGE CHACHKIN: Well, I'm talking about Bureau  
4 Exhibit 5.

5           MR. HARDMAN: No, Bureau Exhibit 5 --

6           JUDGE CHACHKIN: Page one.

7           MR. HARDMAN: -- is the --

8           JUDGE CHACHKIN: Page numbers --

9           MR. HARDMAN: -- that's not the first ten customers.  
10 If you, if you look on the right hand side, there are three,  
11 three names that are listed as, as have local system right  
12 now, which I interpret to mean the PCP. In the second block of  
13 five names, it says has local, now have BPR until other is  
14 completely up. And then in the third category are three names  
15 that said had local, returned totally because of non-working  
16 system. So my inference is that this was, you know, the,  
17 someone's compilation of the status of, of the PCP customers,  
18 you know, at, at the time --

19           JUDGE CHACHKIN: As of August, 1991?

20           MR. HARDMAN: As of, evidently as of 8/15/91, if you  
21 look in the upper left hand corner, that also is the subject  
22 spoken to on pages two and three, evidently. Now whether  
23 they're, they are totally consistent or not, I'm not sure.

24           JUDGE CHACHKIN: Well, we don't know what the  
25 situation is then, do we? Whether the list, the first page

1 represents the list that is of the time of the visit, or the  
2 second or third page represents the time of the visit, or they  
3 both together represent the list at the time of the visit, the  
4 number of customers.

5 MS. LADEN: Your Honor, the engineers testified that  
6 they received these lists during the time of their inspection.

7 JUDGE CHACHKIN: I understand that now, but you,  
8 you're, you're concentrating on pages two and three, but what  
9 about page one?

10 MS. LADEN: I assume that this witness doesn't know  
11 anything about page one.

12 JUDGE CHACHKIN: I understand. But you're  
13 concentrating, you've been reading from page two and three,  
14 and reached the conclusion there were no customers. Now what  
15 does page one mean? According to page one, it would indicate  
16 --

17 MS. LADEN: Yes.

18 JUDGE CHACHKIN: -- there were customers. And I  
19 don't know what the facts are.

20 MS. LADEN: I believe that I asked that there are no  
21 customers listed on page two. That list is only for  
22 Charleston. There are customers listed on the page three.

23 JUDGE CHACHKIN: Well, this is Huntington.

24 MS. LADEN: The first list I understand is  
25 Huntington.



1 JUDGE CHACHKIN: I see. Now the second list is  
2 Charleston?

3 MS. LADEN: Um-hum.

4 JUDGE CHACHKIN: And the third list is Huntington  
5 again. So does page three and one, do they correlate?

6 MS. LADEN: I don't believe they do, Your Honor. I  
7 wasn't going to ask the witness. I mean they speak for  
8 themselves.

9 JUDGE CHACHKIN: Well, I guess you could ask the  
10 witness straight out if he knows whether or not there were any  
11 customers at that time. Maybe he could provide information  
12 independent of these lists.

13 MS. LADEN: Well, he did, Your Honor, provide  
14 information in his declaration, which is at Private Radio  
15 Bureau Exhibit 11. He did provide a list of the customers at  
16 that time.

17 JUDGE CHACHKIN: In Charleston?

18 MS. LADEN: I think in the system.

19 JUDGE CHACHKIN: What, what is, what is the two  
20 names you, you state there? Are those the two customers that  
21 were on the system --

22 MR. RAYMOND: Yes, sir.

23 JUDGE CHACHKIN: -- Private Radio system at that  
24 time?

25 MR. RAYMOND: Yes, sir.